

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**JANET L. LAYNE,**

**Plaintiff,**

**v.**

**No. 15-0903-DRH**

**OTIS ELEVATOR COMPANY,**

**Defendant.**

**MEMORANDUM and ORDER**

**HERNDON, District Judge:**

On August 14, 2015, plaintiff filed suit against defendant based on diversity jurisdiction, 28 U.S.C. § 1332 (Doc. 1). However, a review of the complaint reveals that plaintiff alleged residency rather than citizenship in her complaint. “[R]esidence and citizenship are not synonyms and it is the latter that matters for purposes of the diversity jurisdiction.” *Meyerson v. Harrah's E. Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002). *See also Tylka v. Gerber Prods. Co.*, 211 F.3d 445, 448 (7th Cir. 2000) (“[A]llegations of residence are insufficient to establish diversity jurisdiction.”); *Held v. Held*, 137 F.3d 998, 1000 (7th Cir. 1998) (same). Thus, the Court **DISMISSES without prejudice** plaintiff's complaint. The Court **ALLOWS** plaintiff up to and including September 2, 2015 to file an amended

complaint that comports with this Order.

**IT IS SO ORDERED.**

Signed this 18th day of August, 2015.

Digitally signed by  
David R. Herndon  
Date: 2015.08.18  
16:30:20 -05'00'

The image shows a blue ink signature of David R. Herndon written over a circular official seal. The seal features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The text "UNITED STATES DISTRICT COURT" is at the top and "SOUTHERN DISTRICT OF NEW YORK" is at the bottom of the seal.

**United States District Judge**